

**U.S. District Court  
Northern District of Florida (Tallahassee)  
CIVIL DOCKET FOR CASE #: 4:18-cv-00048-AW-CAS**

MARSHALL et al v. EXPRESS COURIER INTERNATIONAL INC et al

Assigned to: JUDGE ALLEN C WINSOR

Referred to: MAGISTRATE JUDGE CHARLES A STAMPELOS

Cause: 29:206 Collect Unpaid Wages

Date Filed: 01/19/2018

Jury Demand: Plaintiff

Nature of Suit: 710 Labor: Fair Standards

Jurisdiction: Federal Question

**Plaintiff**

**KEVIN MARSHALL**

represented by **CHARLES RYAN MORGAN**  
MORGAN & MORGAN PA – ORLANDO FL  
20 N ORANGE AVE  
STE 1600  
ORLANDO, FL 32801  
407-420-1414  
Fax: 407-425-8171  
Email: rmorgan@forthepeople.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**  
SANFORD LAW FIRM – LITTLE ROCK AR  
650 S SHACKLEFORD  
SUITE 411  
LITTLE ROCK, AR 72211  
501-221-0088  
Fax: 888-787-2040  
Email: west@sanfordlawfirm.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**NANCY BAKER**

represented by **CHARLES RYAN MORGAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**JENNIFER BAREFIELD**

represented by **CHARLES RYAN MORGAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**EVITA BELL**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**ANTHONY DATTOLO**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**KALE DRISCOLL**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MICHAEL DRISCOLL**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**PAUL DUTCHER**

represented by

**CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**RON HARDING**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**LORI KREISHER**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**JOSEPH RENNE**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**AZARIAH ROBINSON**

represented by **CHARLES RYAN MORGAN**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**DENISE SHORTER**

represented by **CHARLES RYAN MORGAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MARY THOMPSON**

represented by **CHARLES RYAN MORGAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**PHILLIP HULETT**

represented by **CHARLES RYAN MORGAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOSHUA LEE WEST**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**EXPRESS COURIER INTERNATIONAL  
INC**

represented by **ELIZABETH BROWN BURGESS**  
CARR ALLISON – TALLAHASSEE FL  
305 S GADSDEN ST  
TALLAHASSEE, FL 32301  
850-222-2107  
Fax: 850-222-8475  
Email: eburgess@carrallison.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ADAM CARL SMEDSTAD**  
SCOPELITIS GARVIN LIGHT ETC PC –  
SEATTLE WA

3214 W MCGRAW STREET  
SUITE 301F  
SEATTLE, WA 98199  
201-288-6192  
Fax: 206-299-9375  
Email: asmedstad@scopelitis.com  
*ATTORNEY TO BE NOTICED*

**ANDREW JOSEPH BUTCHER**  
SCOPELITIS GARVIN LIGHT ETC PC –  
CHICAGO IL  
30 WEST MONROE STREET  
SUITE 600  
CHICAGO, IL 60603  
312-255-7200  
Fax: 312-422-1224  
Email: abutcher@scopelitis.com  
*ATTORNEY TO BE NOTICED*

**CHARLES ANDREWSCAVAGE**  
SCOPELITIS GARVIN LIGHT ETC PC –  
CHICAGO IL  
30 WEST MONROE STREET  
SUITE 600  
CHICAGO, IL 60603  
312-255-7200  
Fax: 312-422-1224  
Email: candrewscavage@scopelitis.com  
*ATTORNEY TO BE NOTICED*

**CHRISTOPHER BARKAS**  
CARR ALLISON – TALLAHASSEE FL  
305 S GADSDEN ST  
TALLAHASSEE, FL 32301  
850-222-2107  
Fax: 850-224-8475  
Email: cbarkas@carrallison.com  
*ATTORNEY TO BE NOTICED*

**EMILY A QUILLEN**  
SCOPELITIS GARVIN LIGHT ETC PC –  
FORT WORTH TX  
777 MAIN STREET  
SUITE 3450  
FORT WORTH, TX 76102  
817-869-1700  
Email: equillen@scopelitis.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**EMP LSO HOLDING CORPORATION**

represented by **CHARLES ANDREWSCAVAGE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ELIZABETH BROWN BURGESS**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***ADAM CARL SMEDSTAD**

(See above for address)

*ATTORNEY TO BE NOTICED***ANDREW JOSEPH BUTCHER**

(See above for address)

*ATTORNEY TO BE NOTICED***CHRISTOPHER BARKAS**

(See above for address)

*ATTORNEY TO BE NOTICED***EMILY A QUILLEN**

(See above for address)

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/19/2018	<u>1</u>	COMPLAINT against Express Courier International, Inc., and EMP LSO Holding Corporation, filed by Kevin Marshall, et al.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons– Express Courier, # <u>3</u> Summons– EMP LSO Holding) (MORGAN, CHARLES) (Entered: 01/19/2018)
01/19/2018	<u>2</u>	CIVIL Filing fee: \$ 400.00, receipt number 1–3335. Fee status updated to <i>paid</i> . (kdm) (Entered: 01/19/2018)
01/19/2018	<u>3</u>	DOCKET ANNOTATION BY COURT TO ATTORNEY RYAN MORGAN: Re <u>1</u> Complaint – Counsel is advised that party names (including aliases) are to be added using all caps and no punctuation (See "Style Guide for Electronic Case Filing," available on Clerk's website). The party names will be corrected by the clerk. (vkm) (Entered: 01/19/2018)
01/19/2018	<u>4</u>	Summons Issued as to EXPRESS COURIER INTERNATIONAL INC and EMP LSO HOLDING CORPORATION (Attachments: # <u>1</u> Summons (EMP)) (vkm) (Entered: 01/19/2018)
02/16/2018	<u>5</u>	NOTICE of Appearance by CHRISTOPHER BARKAS on behalf of EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC (BARKAS, CHRISTOPHER) (Entered: 02/16/2018)
04/16/2018	<u>6</u>	WAIVER OF SERVICE Returned Executed by KEVIN MARSHALL. EXPRESS COURIER INTERNATIONAL INC waiver sent on 4/16/2018, answer due 6/15/2018. (MORGAN, CHARLES) (Entered: 04/16/2018)
04/16/2018	<u>7</u>	WAIVER OF SERVICE Returned Executed by KEVIN MARSHALL. EMP LSO HOLDING CORPORATION waiver sent on 4/16/2018, answer due 6/15/2018. (MORGAN, CHARLES) (Entered: 04/16/2018)
04/16/2018	<u>8</u>	<b>INITIAL SCHEDULING ORDER: Fed.R.Civ.P. 7.1 Corporate Disclosure Statement Deadline set for 4/30/2018. Rule 26 Meeting Report due by 5/30/2018. Discovery due by 8/14/2018. Status Report due by 5/16/2018. Signed by JUDGE MARK E WALKER on 4/16/2018. (vkm) (Entered: 04/16/2018)</b>

04/17/2018	<u>9</u>	MOTION to Appear Pro Hac Vice by Emily A. Quillen.( Filing fee \$ 201 receipt number AFLNDC-4153806.) by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (QUILLEN, EMILY) (Entered: 04/17/2018)
04/18/2018	<u>10</u>	ORDER ADMITTING EMILY A. QUILLEN PRO HAC VICE – This Court has considered, without hearing, the Motion for Admission Pro Hac Vice of Emily A. Quillen. ECF No. <u>9</u> . Ms. Quillen has fulfilled the requirements of the Local Rules for admission. Accordingly, the motion is GRANTED and Ms. Quillen is admitted pro hac vice as counsel for Defendants. Signed by JUDGE MARK E WALKER on 4/18/2018. (vkm) (Entered: 04/18/2018)
04/18/2018	<u>11</u>	FIRST AMENDED AND SUBSTITUTED COMPLAINT AMENDED COMPLAINT against All Defendants All Defendants., filed by KEVIN MARSHALL. (MORGAN, CHARLES) (Entered: 04/18/2018)
04/23/2018	<u>12</u>	MOTION to Appear Pro Hac Vice by Adam C. Smedstad.( Filing fee \$ 201 receipt number AFLNDC-4159872.) by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (Attachments: # <u>1</u> Certificate of Good Standing) (SMEDSTAD, ADAM) (Entered: 04/23/2018)
04/23/2018	<u>13</u>	MOTION to Appear Pro Hac Vice by Andrew J. Butcher.( Filing fee \$ 201 receipt number AFLNDC-4159897.) by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (Attachments: # <u>1</u> Certificate of Good Standing) (BUTCHER, ANDREW) (Entered: 04/23/2018)
04/23/2018	<u>14</u>	ORDER ADMITTING ADAM C. SMEDSTAD PRO HAC VICE – This Court has considered, without hearing, the Motion for Admission Pro Hac Vice of Adam C. Smedstad. ECF No. <u>12</u> . Mr. Smedstad has fulfilled the requirements of the Local Rules for admission. Accordingly, the motion is GRANTED and Mr. Smedstad is admitted pro hac vice as additional counsel for Defendants. Signed by JUDGE MARK E WALKER on 4/23/2018. (vkm) (Entered: 04/24/2018)
04/23/2018	<u>15</u>	ORDER ADMITTING ANDREW J. BUTCHER PRO HAC VICE – This Court has considered, without hearing, the Motion for Admission Pro Hac Vice of Andrew J. Butcher. ECF No. <u>13</u> . Mr. Butcher has fulfilled the requirements of the Local Rules for admission. Accordingly, the motion is GRANTED and Mr. Butcher is admitted pro hac vice as additional counsel for Defendants. Signed by JUDGE MARK E WALKER on 4/23/2018. (vkm) (Entered: 04/24/2018)
04/24/2018	<u>16</u>	MOTION to Appear Pro Hac Vice by Charles Andrewscavage.( Filing fee \$ 201 receipt number AFLNDC-4161487.) by EXPRESS COURIER INTERNATIONAL INC. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing) (ANDREWSCAVAGE, CHARLES) (Entered: 04/24/2018)
04/25/2018	<u>17</u>	ORDER GRANTING ADMISSION TO APPEAR PRO HAC VICE – Charles Andrewscavage moves for his admission to appear pro hac vice in this case. ECF No. <u>16</u> . Mr. Andrewscavage has fulfilled the requirements of the Local Rules for appearing pro hac vice. Accordingly, his motion is GRANTED (Appointed CHARLES ANDREWSCAVAGE for EMP LSO HOLDING CORPORATION). Signed by JUDGE MARK E WALKER on 4/25/2018. (vkm) (Entered: 04/25/2018)
04/26/2018	<u>18</u>	MOTION to Appear Pro Hac Vice by Joshua West.( Filing fee \$ 201 receipt number AFLNDC-4163900.) by KEVIN MARSHALL. (Attachments: # <u>1</u> Certificate of Good Standing) (MORGAN, CHARLES) (Entered: 04/26/2018)
04/26/2018	<u>19</u>	ORDER GRANTING ADMISSION TO APPEAR PRO HAC VICE – Joshua West moves for his admission to appear pro hac vice in this case. ECF No. <u>18</u> . Mr. West has fulfilled the requirements of the Local Rules for appearing pro hac vice. Accordingly, his motion is GRANTED. Signed by JUDGE MARK E WALKER on 4/26/2018. (vkm) (Entered: 04/27/2018)
05/09/2018	<u>20</u>	



Joint MOTION to Extend TimeDeadlines in Initial Scheduling Order by KEVIN MARSHALL. (MORGAN, CHARLES) (Entered: 05/09/2018)

05/10/2018	<u>21</u>	ORDER GRANTING EXTENSION OF DEADLINES – This Court has considered, without hearing, the Joint Motion to Extend Deadlines in Initial Scheduling Order. ECF No. <u>20</u> . The motion is GRANTED (Rule 26 Meeting Report due by <b>7/27/2018</b> ). Signed by JUDGE MARK E WALKER on 5/10/2018. (vkm) (Entered: 05/11/2018)
05/15/2018	<u>22</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 05/15/2018)
05/15/2018	<u>I</u>	Rest deadlines Re: <u>8</u> INITIAL SCHEDULING ORDER – Status Report due by <b>6/14/2018</b> . (vkm) (Entered: 05/15/2018)
06/05/2018	<u>23</u>	COURTESY COPY OF PLAINTIFF'S MOTION FOR TRANSFER OF ACTIONS PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS (FILED IN MDL No. 2854) (vkm) (Entered: 06/07/2018)
06/13/2018	<u>24</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (BURGESS, ELIZABETH) (Entered: 06/13/2018)
06/13/2018	<u>25</u>	DEFENDANTS' MEMORANDUM IN SUPPORT OF <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (BURGESS, ELIZABETH) Modified on 6/14/2018 to correct document title and relationship (vkm). (Entered: 06/13/2018)
06/13/2018	<u>26</u>	Corporate Disclosure Statement/Certificate of Interested Persons by EXPRESS COURIER INTERNATIONAL INC. (BURGESS, ELIZABETH) (Entered: 06/13/2018)
06/13/2018	<u>27</u>	Corporate Disclosure Statement/Certificate of Interested Persons by EMP LSO HOLDING CORPORATION. (BURGESS, ELIZABETH) (Entered: 06/13/2018)
06/14/2018	<u>28</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 06/14/2018)
06/14/2018	<u>29</u>	NOTICE <i>EXHIBIT A</i> by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC re <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>25</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM – <i>MEMORANDUM IN SUPPORT OF</i> (BURGESS, ELIZABETH) (Entered: 06/14/2018)
06/14/2018	<u>I</u>	Reset deadlines Re: <u>8</u> INITIAL SCHEDULING ORDER – Status Report due by <b>7/16/2018</b> . (vkm) (Entered: 06/15/2018)
06/18/2018	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 06/18/2018)
06/19/2018	<u>31</u>	



ORDER GRANTING EXTENSION TO RESPOND TO MOTION TO DISMISS – This Court has considered, without hearing, Plaintiffs' Unopposed Motion for Extension of Time to Respond to Defendant's Motion to Dismiss. ECF No. 30 . The motion is GRANTED. Plaintiffs shall file their response to the motion to dismiss on or before **7/18/2018**. Signed by JUDGE MARK E WALKER on 6/19/2018. (vkm) (Entered: 06/19/2018)

07/16/2018	<u>32</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 07/16/2018)
07/16/2018	<u>33</u>	RESPONSE in Opposition re <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (Attachments: # <u>1</u> Exhibit 1: Op. and Order, Arroyo v. Express Courier Intl., Inc., No. 4:18-cv-10 (S.D. Tex. June 18, 2018), ECF No. 24) (WEST, JOSHUA) (Entered: 07/16/2018)
07/16/2018	<u>I</u>	Reset deadlines Re: <u>8</u> INITIAL SCHEDULING ORDER – Status Report due by <b>8/15/2018</b> . (vkm) (Entered: 07/17/2018)
07/24/2018	<u>34</u>	UNOPPOSED MOTION for Leave to File <i>REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AND SUPPORTING MEMORANDUM</i> by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (BURGESS, ELIZABETH) Modified on 7/25/2018 to reflect unopposed motion (vkm). (Entered: 07/24/2018)
07/24/2018	<u>35</u>	REPLY to Response to Motion re <u>34</u> MOTION for Leave to File <i>REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AND SUPPORTING MEMORANDUM FOR FAILURE TO STATE A CLAIM</i> filed by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (BURGESS, ELIZABETH) (Entered: 07/24/2018)
07/24/2018	<u>36</u>	ORDER GRANTING <u>34</u> UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY. Signed by CHIEF JUDGE MARK E WALKER on 7/24/2018. (vkm) (Entered: 07/24/2018)
07/27/2018	<u>37</u>	REPORT of Rule 26(f) Planning Meeting. (QUILLEN, EMILY) (Entered: 07/27/2018)
07/30/2018	<u>I</u>	ACTION REQUIRED BY DISTRICT JUDGE: Chambers of CHIEF JUDGE MARK E WALKER notified that action is needed re: <u>37</u> Report of Rule 26(f) Planning Meeting. (cle) (Entered: 07/30/2018)
07/31/2018	<u>38</u>	NOTICE of Supplemental Authority by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON re <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Attachments: # <u>1</u> Exhibit 1: Order, Allen v. Express Courier Int'l., Inc., No. 3:18-cv-28-MOC-DSC (W.D. N.C. July 25, 2018), ECF No. 25) (WEST, JOSHUA) (Entered: 07/31/2018)
08/01/2018	<u>39</u>	ORDER DENYING TRANSFER re <u>23</u> COURTESY COPY OF PLAINTIFF'S MOTION FOR TRANSFER re MDL No. 2854 (vkm) (Entered: 08/02/2018)
08/02/2018	<u>40</u>	NOTICE of Supplemental Authority Supporting Defendants' <u>24</u> Motion to Dismiss by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC (Attachments: # <u>1</u> Exhibit A – Order re: RYTE v. Express Courier International) (SMEDSTAD, ADAM) Modified on 8/3/2018 to link corresponding document (ckm). (Entered: 08/02/2018)

08/06/2018	<u>41</u>	SCHEDULING AND MEDIATION ORDER re: <u>37</u> Report of Rule 26(f) Planning Meeting (Jury Trial set for <b>5/20/2019 at 8:15 AM</b> in U.S. Courthouse Tallahassee before CHIEF JUDGE MARK E WALKER. Discovery extended to by <b>1/2/2019</b> . Dispositive Motions to be filed by <b>1/23/2019</b> . Mediation Report due by <b>2/13/2019</b> .) Case referred to mediation. Signed by CHIEF JUDGE MARK E WALKER on 8/6/2018. (ckm) (Entered: 08/07/2018)
08/15/2018	<u>42</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 08/15/2018)
08/15/2018	<u>I</u>	Reset deadlines Re: <u>8</u> INITIAL SCHEDULING ORDER – Status Report due by <b>9/14/2018</b> . (vkm) (Entered: 08/15/2018)
09/14/2018	<u>43</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 09/14/2018)
09/17/2018	<u>I</u>	Set Discovery Status Report Deadline – Status Report due by <b>10/17/2018</b> . (cle) (Entered: 09/17/2018)
10/10/2018	<u>44</u>	NOTICE of Defendants' Supplemental Authority by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC re <u>24</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Attachments: # <u>1</u> Exhibit A – Bascomb v. Express Courier International, Inc. Order) (BUTCHER, ANDREW) (Entered: 10/10/2018)
10/16/2018	<u>45</u>	ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE TO FILE AN AMENDED COMPLAINT. The motion to dismiss, ECF No. <u>24</u> is GRANTED, WITHOUT PREJUDICE TO FILE AN AMENDED COMPLAINT. Plaintiffs shall file an amended complaint on or before <b>10/31/2018</b> . Signed by CHIEF JUDGE MARK E WALKER on 10/16/2018. (kjlw) (Entered: 10/17/2018)
10/17/2018	<u>46</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, JENNIFER BAREFIELD, EVITA BELL, ANTHONY DATTOLO, KALE DRISCOLL, MICHAEL DRISCOLL, PAUL DUTCHER, RON HARDING, PHILLIP HULETT, LORI KREISHER, KEVIN MARSHALL, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER, MARY THOMPSON. (WEST, JOSHUA) (Entered: 10/17/2018)
10/17/2018	<u>I</u>	Reset deadlines Re: <u>8</u> INITIAL SCHEDULING ORDER – Status Report due by <b>11/16/2018</b> . (vkm) (Entered: 10/18/2018)
10/31/2018	<u>47</u>	SECOND AMENDED COMPLAINT against EXPRESS COURIER INTERNATIONAL INC, filed by DENISE SHORTER, LORI KREISHER, KALE DRISCOLL, AZARIAH ROBINSON, PHILLIP HULETT, JOSEPH RENNE, EVITA BELL, MICHAEL DRISCOLL, NANCY BAKER. (WEST, JOSHUA) (Entered: 10/31/2018)
11/13/2018	<u>48</u>	Defendants' ANSWER to <u>47</u> Amended Complaint by EMP LSO HOLDING CORPORATION, EXPRESS COURIER INTERNATIONAL INC. (QUILLEN, EMILY) (Entered: 11/13/2018)
11/16/2018	<u>49</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, EVITA BELL, KALE DRISCOLL, MICHAEL DRISCOLL, PHILLIP HULETT, LORI KREISHER, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER. (WEST, JOSHUA) (Entered: 11/16/2018)
11/16/2018	<u>I</u>	

Reset Deadlines: Status Report due by **12/17/2018** re: 8 INITIAL SCHEDULING ORDER (amm)  
(Entered: 11/20/2018)

11/30/2018	<u>50</u>	Joint MOTION to Stay <i>Litigation to Permit the Parties to Participate in Mediation</i> by NANCY BAKER, EVITA BELL, KALE DRISCOLL, MICHAEL DRISCOLL, PHILLIP HULETT, LORI KREISHER, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER. (WEST, JOSHUA) (Entered: 11/30/2018)
12/02/2018	<u>51</u>	ORDER GRANTING JOINT MOTION TO STAY LITIGATION TO PERMIT PARTIES TO PARTICIPATE IN MEDIATION. The parties' <u>50</u> joint motion to stay is GRANTED until <b>3/1/2019</b> . On or before <b>3/14/2019</b> the parties shall either submit a notice informing this Court that the matter has been resolved or, if the matter is not resolved through mediation, that the parties submit a joint proposal for a discovery schedule to govern the litigation. Signed by CHIEF JUDGE MARK E WALKER on 12/2/2018. (kjlw) (Entered: 12/03/2018)
02/07/2019	<u>52</u>	MEDIATION REPORT – Settled. (QUILLEN, EMILY) (Entered: 02/07/2019)
03/18/2019	<u>53</u>	ORDER ACKNOWLEDGING <u>52</u> JOINT REPORT OF MEDIATION AND DIRECTING PARTIES TO FILE STATUS REPORT. The parties shall either dismiss this action or provide this Court with a status report on or before April 1, 2019. (Status Report due by <b>4/1/2019</b> .) Signed by CHIEF JUDGE MARK E WALKER on 03/18/2019. (toy) (Entered: 03/18/2019)
04/01/2019	<u>54</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, EVITA BELL, KALE DRISCOLL, MICHAEL DRISCOLL, PHILLIP HULETT, LORI KREISHER, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER. (WEST, JOSHUA) (Entered: 04/01/2019)
04/02/2019	<u>55</u>	ORDER ACKNOWLEDGING <u>54</u> JOINT STATUS REPORT. The parties shall either move to transfer this action or provide this Court with another status report on or before May 3, 2019. (Status Report due by <b>5/3/2019</b> .) Signed by CHIEF JUDGE MARK E WALKER on 04/02/2019. (toy) (Entered: 04/02/2019)
05/03/2019	<u>56</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, EVITA BELL, KALE DRISCOLL, MICHAEL DRISCOLL, PHILLIP HULETT, LORI KREISHER, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER. (WEST, JOSHUA) (Entered: 05/03/2019)
05/06/2019	<u>57</u>	ORDER ACKNOWLEDGING <u>56</u> JOINT STATUS REPORT. The parties shall either move to transfer this action or provide this Court with another status report on or before June 5, 2019. (Status Report due by <b>6/5/2019</b> .) Signed by CHIEF JUDGE MARK E WALKER on 05/06/2019. (toy) (Entered: 05/06/2019)
06/05/2019	<u>58</u>	STATUS REPORT ( <i>JOINT</i> ) by NANCY BAKER, EVITA BELL, KALE DRISCOLL, MICHAEL DRISCOLL, PHILLIP HULETT, LORI KREISHER, JOSEPH RENNE, AZARIAH ROBINSON, DENISE SHORTER. (WEST, JOSHUA) (Entered: 06/05/2019)
06/28/2019	<u>59</u>	ORDER REASSIGNING CASE. Case reassigned to JUDGE ALLEN C WINSOR for all further proceedings. CHIEF JUDGE MARK E WALKER no longer assigned to case. Signed by CHIEF JUDGE MARK E WALKER on 6/28/19. **Please use the new judge's initials for all future filings: 4:18cv48–AW/CAS. (pll) (Entered: 06/28/2019)
01/07/2020	<u>60</u>	ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED. On June 5, 2019, the parties filed a status report, indicating that they had settled the case and would file a motion to transfer. ECF No. <u>58</u> . Nothing has been filed in the seven months since. The parties are directed to show cause, no later than ten days from the date of this order, why the case should not be dismissed. Signed by JUDGE ALLEN C WINSOR on 01/07/2020. Show Cause Response due by <b>1/17/2020</b> . (rcb) (Entered: 01/08/2020)
01/14/2020	<u>61</u>	

Joint MOTION to Transfer Case to United States District Court for the Southern District of Texas *to Finalize Settlement* by NANCY BAKER. (Internal deadline for referral to judge if response not filed earlier: **1/28/2020**). (WEST, JOSHUA) (Entered: 01/14/2020)

01/16/2020	<u>62</u>	Joint Response to Order to Show Cause by NANCY BAKER. (WEST, JOSHUA) Modified to edit title on 1/24/2020 (rcb). (Entered: 01/16/2020)
03/04/2020	<u>63</u>	<b>ORDER GRANTING <u>61</u> JOINT MOTION TO TRANSFER.</b> The motion (ECF No. <u>61</u> ) is GRANTED. The Clerk shall take necessary steps to transfer this case to the Southern District of Texas, Houston Division. When the transfer is complete, the Clerk shall close the file. Signed by JUDGE ALLEN C WINSOR on 03/04/2020. (rcb) (Entered: 03/05/2020)